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cont

30. The seating system according to Claim 26, wherein said at least one seat has an extended back member.

31. The seating system according to Claim 26, wherein said at least one seat is a plurality of individual seats arranged in a row of seats with each individual seat of said plurality of individual seats being longitudinally movable, and locatable at, any point along said beam.

32. The seating system according to Claim 31, wherein each said individual seat is longitudinally movable along said beam for altering its position along said beam relative to other seats of said plurality of individual seats in said row of seats.--

REMARKS

Reconsideration and withdrawal of the rejection and the allowance of all claims now pending in the above-identified patent application (i.e., Claims 26-32) are respectfully requested in view of the foregoing amendments and the following remarks.

At the outset, it should be recalled that the present invention provides a seating system for providing and locating seating in large gathering areas, such as in stadiums and auditoriums. Conventionally seating at such locales has generally consisted of fixing in place a basic, or set, seating arrangement which can, of course, be removed and replaced

with a great deal of effort, but is not designed, and cannot readily be, re-arranged. Other types of seating systems have relied upon movable "plates" upon which individual seats are permanently welded; such plates can move, but the relative location of most individual seats to one another remains fixed.

In contrast to the prior art, the presently claimed invention provides a seating system having a beam with a support, which is connected to an adjacent surface located behind the seat or, as is more common, behind a row of seats. The beam has an upper part for receiving a formation on located on the base of the individual seats of the row of seats and a lower part connected to the support of the beam. The seats are connected to the beam so that the individual seats are able to be located at any point along the beam in an unrestricted manner.

As will be explained in greater detail hereinafter, nowhere in the prior art is such a novel and efficient seating system, particularly for large gatherings, which allows for a ready and convenient rearrangement of individual seating, either disclosed or suggested.

By the present amendments, Applicants have amended their Specification for the purpose of attending to the informalities noted by the Examiner in the second Office Action. The "beam extrusion" referred to at Page 5, line 1, has been cor-

rectly amended to simply refer to "beam 10." The "perimeter beam" discussed at Page 6, line 7, of the disclosure has been provided with reference numeral "120." The remaining amendments to the Specification are submitted to be self-explanatory. A "marked-up" version of all amendments to the Specification accompany the instant Response.

Applicant has also provided a proposed (red ink) drawing amendment for FIG. 2, which provides the "beam" therein with reference numeral "10" and provides the "perimeter beam" with numeral "120," as now recited in the Specification by the newly-entered amendment referred to in the immediately preceding paragraph.

In the second Office Action, the Examiner has also objected to the originally-filed drawing figures, pursuant to 37 C.F.R. §1.83(a), for failing to show the perimeter beam, the beam extrusion, the upholstered connection means and/or the complementary connection means.

In reply to the drawing objection, as now clarified, the perimeter beam and extrusion beam, the latter of which has also been referred to as simply the "beam" (10), are properly illustrated in the drawing figures. The upholstered connection means and/or the complementary connection means, previously referred to in Claim 22, have now been cancelled from the claims, thereby mooting the drawing objection as to these elements.

In light of accompanying drawing amendment for FIG. 2, and the deletion of the upholstered connection means and/or the complementary connection means from the claims, Applicants respectfully submit that the Examiner's 37 C.F.R. §1.83(a) drawing objection of the second Office Action has been overcome and should appropriately be withdrawn.

Concerning the instant claim amendments, Applicants have cancelled prior Claims 1-25 and have now substituted therefor new Claims 26-32 for the purpose of clarifying the novel features of their invention. New independent Claim 26 recites subject matter originally presented in prior Claims 1 and 2.

In drafting new Claims 26-32, Applicants have taken into consideration the Examiner's grounds for the indefiniteness rejection of prior Claims 1-25, issued pursuant to 35 U.S.C. §112, second paragraph, and have sought to avoid the use of language that the Examiner has deemed indefinite; the indefiniteness rejection having largely arisen from the differences between U.S. and Australian claim practices.

In view of the entry of new Claims 26-32, Applicants respectfully submit that the Examiner's 35 U.S.C. §112, second paragraph, indefiniteness rejection of the second Office Action has now been overcome and should be withdrawn.

Turning now, in detail, to an analysis of the Examiner's prior art rejections, in the second Office Action the Exami-

ner has rejected the subject matter of prior Claim 1 as being anticipated, pursuant to 35 U.S.C. §102(b), by Piretti, U.S. Patent No. 3,762,765, which discloses a chair having a tip-up seat. Because Applicants have now combined the subject matter of prior Claims 1 and 2 into new independent Claim 26, it is respectfully submitted that the anticipation applying Piretti is now moot.

Applicants, instead, submit that the more applicable prior art rejection of the second Office Action is the rejection of the subject matter of prior Claims 2-6 as being obvious over Piretti, taken in view of Hock, U.S. Patent No. 6,095,603. In this obviousness rejection, the Examiner has contended that Piretti discloses a conventional beam (9) for supporting chair, however, the Examiner has acknowledged that Piretti lacks further detail regarding the structural design of the beam, as that now recited in new Claim 26. The Examiner has, therefore, secondarily cited to Hock for its contended disclosure of a beam having two spaced parts (10, 14), which allows for the chairs to be connected to the beam and the beam to, in turn, be connected to its support. The Examiner has, therefore, concluded that it would have been obvious to have modified Piretti, in light of the teachings of Hock, to include Hock's connection and structural design for a stronger and safer support structure.

In reply to the Examiner's obviousness rejection apply-

ing Piretti, taken in view of Hock, the primary reference of Piretti discloses a chair having a beam (9), to which is connected both legs (10), a chair (3) and armrests (11). Piretti differs from that claimed by the instant Applicants, because the seating system of the claimed invention does not share the same portion of the beam as does the chair itself. The beam in that which is now being claimed has two separate parts; a lower part (18) by which the beam (10) is connected to a plate and an upper part (19), to which the chair is connected. This structural arrangement provides the present invention with the distinct advantage that it can be located at any point along the beam without having to take into account the position of the plates, as is the case of that being claimed, or, in the case of the Piretti chair, the legs (10). A careful study of Piretti would appear to indicate that the legs (10) are located so that one side of the chair, or one side of the armrest (see, FIG. 9) are connected to the legs. In short, the chair legs in the Piretti construction prevent the chair from being movable along the entire length of the beam (9).

A similar drawback can be found to exist in the secondary-applied prior art of Hock, in which the form of interconnection between the legs (22) and the beam (10) of Hock does not permit the seats (32) to be located at any position, or any point, along the beam (10) without restriction, in that the seats could not be located directly over either of

the legs (22), as both legs extend from the same portion of the beam on either side of the chair.

Consequently, even if one were to combine the teachings and suggestions of Piretti, taken in view of Hock, one would still not arrive at that being claimed by the instant Applicants, in which a seat in the seating system is longitudinally movable, and able to be located at, any point along the beam (10).

Accordingly, Applicants respectfully contend that the Examiner's 35 U.S.C. §103(a) obviousness rejection of prior Claim 2, which applies Piretti, taken in view of Hock, and which is submitted to be most applicable to newly-entered independent Claim 26, has been overcome and should now be properly withdrawn.


Concerning, finally, the remaining reference made of record by the Examiner, but not applied in any rejection of Applicants' claims, such additional art reference has been carefully considered, but are not believed to adversely affect the patentability of the present invention, as claimed.

In view of the foregoing, it is respectfully contended that all claims now pending in the above-identified patent application (i.e., Claims 26-32) recite a novel and efficient seating system, particularly for large gatherings, which

allows for a ready and convenient rearrangement of individual seating along any point of its supporting beam, which is patentably distinguishable over the prior art. Accordingly, withdrawal of the outstanding objections and rejections and the allowance of all claims now pending are respectfully requested and earnestly solicited.

Respectfully submitted,

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May 16, 2003

- Enc.: 1. Petition for Three-Month Extension of time;
2. Check for \$465.00 (Three-Month Extension Fee);
3. Proposed (Red Ink) Drawing Amendment for FIG. 2
(1 Sheet) ; and
4. "Marked-Up" Version of Amendments to Specification.

The Commissioner is hereby authorized to charge the Deposit Account of Applicants' Attorney, Account No. 19-0450, for any additional fees which may be due in connection with the prosecution of the present application, but which have not otherwise been provided for.

VERSION OF AMENDMENTS WITH MARKINGS TO SHOW CHANGES MADE
(Dated May 16, 2003)

IN THE SPECIFICATION

Please amend the Specification as follows:

Page 5, lines 1-2, rewrite this paragraph to now read as follows:

--The beam 10 [extrusion,] has, at its lower end in the portion 18, a pair of inturned arms 11, 12 which define a cavity 13 which is adapted to receive a connector 30.--

Page 5, lines 21-25, rewrite this paragraph to now read as follows:

--The seats 50 of the system may have a complete body shell or, preferably, may have a back portion 51 and a seat portion 52, with the seat portion pivotally connected to the back portion so that when the seat is not being used it can be biased to rotate upwardly adjacent the back portion to provide minimal obstruction to persons moving along the aisle of the stadium. The positions of the seat can be seen from Figs. [5 and 6.] 6 and 7.--

Page 6, lines 6-8, rewrite this paragraph to now read as follows:

--Both seat 52 and backrest 51 are provided with an innovative system of structural support. This takes the form in both cases of a large section perimeter beam[,] 120.

MARKED-UP AMENDMENTS-1

moulded integrally with the more generally membraneous form of the seating and back surface.--

Page 10, lines 5-11, rewrite this paragraph to now read as follows:

--Another aspect of the invention, as illustrated in Fig [8,] 9, is that seats can be located so that one seat support 60 is connected to one beam 10 and the other to a second beam with the beams at an angle to each other. The formation 68 on the lower arm of the seat support can have a degree of movement relative to the beam or can be provided with means whereby a portion can be removed to give such a degree of movement so that one member is connected to one beam and another member is connected to an adjacent beam with there being an angle of, say, up to 10 degrees between the two beams.--

MARKED-UP AMENDMENTS-2